

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/518,478

Attorney Docket No.: Q85433

AMENDMENTS TO THE DRAWINGS

Replacements drawings of Figures 6 and 20B are submitted herewith.

Attachment: Replacement Sheets

REMARKS

Claims 1-26 are all the claims pending in the application.

Drawings

The drawings are objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) and 37 C.F.R. § 1.83(a). To overcome this objection, Applicants submit herewith corrected Figures 6 and 20b.

Corrected Fig. 6 shows both the outer coating and the intermediate layer as identified by reference numerals 77 and 79, respectively. In addition, the specification has been amended to identify these reference numerals and to correct a clerical error regarding reference to Fig. 19b.

In corrected Fig. 20b, reference numeral 64 has been removed.

Specification

The specification is objected to as failing to provide a reference to the PCT in the first paragraph of the specification. The specification has been amended to address this issue.

Claim Objections

Claims 7 and 11-12 are objected to because of informalities. It is submitted that the above amendments to the claims overcomes this objection.

Claim Rejection - 35 U.S.C. § 103

Claims 1-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stevens et al. (US Patent 5,605,813) in view of Oberhardt (US Patent 4,849,340). In view of the above

amendments to the claims and the following comments, Applicants respectfully traverse this rejection.

Stevens refers to a device for growing cell cultures. The device is placed onto a microscope slide and the bottom is sealed to the slide. A lid 18 allows fluid into a chamber formed by the slide and receptacle. No outlet is disclosed, and the lever is not used for locating the device, but to release it from the slide. This device is not intended to move over the slide during use, and therefore does not have a locator as recited in the amended claims. Further, the receptacle is disclosed as having an open top, not a body defining a cavity having an inlet and an outlet.

Furthermore, in operation the device described in Stevens performs a completely different task to that of the present invention. The cover of the present invention is used on a microscope slide, where the microscope slide has tissue or cells that are to be stained to determine the presence of absence of particular matter. The cover of the present invention is adapted to move upon the slide, and to have fluid pass through the reaction chamber to conduct a series of reactions. The positioning of the inlet at one end of the chamber and the outlet at the other end, including the retention of the fluid using a reaction chamber formed of capillary dimensions, clearly differentiate the claimed invention from Stevens. Stevens uses a liquid permeable seal, in the form of an adhesive (col 3 lines 33-40) to prevent liquid from leaving the chamber. The design of the claimed invention uses the arrangement of the inlet, outlet and capillary dimensions to prevent fluid movement, but allow for fluid flow through the reaction chamber when fluid enters the inlet. Stevens does not have these features, and given the completely different use disclosed for the device disclosed in Stevens, a person skilled in the art

would not look at Stevens to attempt to solve the problems relating to performing reactions on a microscope slide involving multiple fluids. In addition, it is submitted that Oberhardt does not compensate for the above deficiencies of Stevens.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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